

JUN 10 2005

PTO/SB/31 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 CFR 1.191)**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]
on 6/8/2005

Signature Rebecca A. Baumann

Typed or printed name Rebecca A. Baumann

Docket Number (Optional)

NTI-030

In re Application of James K. Falbo et al.

Appn. No 10/040,055 Filed 12/31/2001

For "Shape-Based Geometry Engine To Perform..."

Art Unit 2825 Examiner Yelena Rossoshek

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) **\$500.00**

- Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: **\$**
- A check in the amount of the fee is enclosed.
- Payment by credit card. Form PTO-2038 is attached.
- The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-0574. I have enclosed a duplicate copy of this sheet
- A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- applicant/inventor
- assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- attorney or agent of record. Registration number 35,537.


 Date: June 8, 2005

Jeanette S. Harms, Esq.

Telephone No. (408) 451-5907
Customer No.: 29477

*Total of forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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JUN 10 2005

PTO/SB/21 (09-04)

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TRANSMITTAL FORM

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Total Number of Pages in This Submission

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Application Number

10/040,055

Filing Date

12/31/2001

First Named Inventor

James K. Falbo et al.

Art Unit

2825

Examiner Name

Yelena Rossochek

Attorney Docket Number

NTI-030

ENCLOSURES (check all that apply) Fee Transmittal Form Fee Attached Amendment / Reply After Final Affidavits/declaration(s) Extension of Time Request Express Abandonment Request Information Disclosure Statement Certified Copy of Priority Document(s) Reply to Missing Parts/Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 Drawing(s) Terminal Disclaimer Petition Petition to Convert to a Provisional Application Power of Attorney, Revocation Change of Correspondence Address Statement Under 37 CFR 3.73(b) CD, Number of CD(s) _____ Request for Refund

Remarks

 After Allowance Communication to TC Appeal Communication to Board of Appeals and Interferences Appeal Communication to TC (*Appeal Notice, Brief, Reply Brief*) Proprietary Information Status Letter Other Enclosure(s) (*please identify below*):

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SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm Name BEVER, HOFFMAN & HARMS, LLP Customer Number 29477

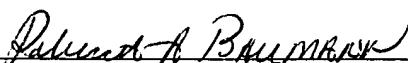
Signature 

Printed Name Jeanette S. Harms

Date June 8, 2005 Reg. No. 35,537

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Signature 

Typed or printed name Rebecca A. Baumann Date June 8, 2005

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